

Serial No. 10/670,594, filed 3/1/04

REMARKS

Claims 1, 3-8 and 11-13 are presently pending in the application. Claims 1, 8 and 11 are in independent form. Claims 2, 9 and 10 have been cancelled by this Amendment.

Regarding the objection to Figure 2, the base valve 26 was shown in perforated lines. Nonetheless, a new Figure 2 is being submitted to more clearly show perforated lines.

Claims 1-10 were rejected §102(b) as being anticipated by Lillbacka. Claim 1 has been amended to include the limitations of claim 2. Claim 2 requires that the cavity be approximately at atmospheric pressure in a static position. This is not taught by Lillbacka. The seal is arranged between the rod 11 and the cylinder head 64 and is exposed to pressurized air within the elastomeric tube 56-not atmospheric air. Accordingly, Lillbacka cannot anticipate amended claim 1.

With regard to claims 5 and 6, the Examiner has argued that the second spring is provided by the pressurized air within the chamber 36. The Examiner has also argued that the separator is provided by the element 50 which is secured to the end of the rod 11. Accordingly, Lillbacka cannot meet the limitation of "movable separator arranged axially between said first (the element 56) and second (the element 36) springs."

With respect to claim 7, the air chamber in Lillbacka is not arranged radially outwardly from the rod seal. The seal is exposed to the air chamber in an axial direction and cannot meet the limitations of claim 7.

Claim 8 has been amended to include the limitations of claims 9 and 10. The Examiner has argued that the first spring is the coil spring shown between lead lines 18 and 22, and that the second spring is element 60. Amended claim 8 requires that the pressurized compressible fluid

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(within element 56) and the second spring 60 exert a preload on the first spring. The coil spring arranged between the lead lines 18 and 22 is completely isolated from the pressurized compressible fluid and the second spring so that there is no way that Lillbacka can meet this limitation. Claim 8 is allowable for at least this reason.

Claims 11-13 were rejected under §102(b) over Imai. Claim 11 requires that the air chamber is arranged radially outwardly from the outer wall. First, the Examiner is not clear as to what element constitutes the outer wall in Imai. The Examiner has called element 11 the "rod." The rod is arranged interiorly of the outer wall. The Examiner states the outer wall is shown abutting against the bottom of element 70a, so Applicant is assuming that Examiner considers the outer wall the threaded portion of element 15. If this is so, Imai cannot meet the limitation of claim 11, which requires the rod to be arranged interiorly of the outer wall, since the Examiner has already called the element 11 the rod. If there is some other interpretation, Applicant requests the Examiner to clarify which element is considered the outer wall, perhaps by reference to an annotated drawing.

Claim 12 requires a seat that is secured to the outer wall. Again, it is not clear what the Examiner considers the outer wall. Nonetheless, the Examiner calls element 12 a seat. Claim 12 requires that a second mechanical spring (element 170a) is arranged between the seat 12 and the air chamber 33. This limitation is not met because the spring 170a is not between the element 12 and the air chamber 33.

Regarding claim 13, Imai does not show a first spring rate from the air chamber 33 and a second spring rate from element 170 exerting a force on a second mechanical spring. In

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particular, the air chamber 33 exerts no force on the second mechanical spring 170a since it moves the "seat" 12 away from the second mechanical spring 170a.

Applicant respectfully solicits allowance of these claims. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,



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Dated: 1/3/05

ANNOTATED SHEET
Title: DUAL SPRING RATE PRELOAD MODULE WITH AIR ADJUSTMENT™
Inventor: Frank Verriet, Serial No. 10/700,501, filed 3/1/04
File No. 60,130-2044/04ARM0171

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